



General Assembly

Amendment

February Session, 2018

LCO No. 4906



Offered by:

SEN. BYE, 5th Dist.

REP. HADDAD, 54th Dist.

To: Subst. Senate Bill No. **352**

File No. 220

Cal. No. 145

***"AN ACT EXTENDING THE MORATORIUM ON APPROVAL OF
PROGRAMS OF INDEPENDENT INSTITUTIONS OF HIGHER
EDUCATION."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (l) of section 10a-34 of the 2018 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2018*):

6 (l) Notwithstanding the provisions of subsections (b) to (j),
7 inclusive, of this section and subject to the authority of the State Board
8 of Education to regulate teacher education programs, up to twelve new
9 programs of higher learning in any academic year and any program
10 modifications proposed by an independent institution of higher
11 education, as defined in section 10a-173, shall not be subject to
12 approval by the Office of Higher Education, until July 1, [2018] 2021, or
13 the adoption of regulations that provide exemptions from program

14 approval by the office pursuant to subsection (b) of this section,
15 whichever is earlier, provided (1) the institution maintains eligibility to
16 participate in financial aid programs governed by Title IV, Part B of the
17 Higher Education Act of 1965, as amended from time to time, (2) the
18 United States Department of Education has not determined that the
19 institution has a financial responsibility score that is less than 1.5 for
20 the most recent fiscal year for which the data necessary for
21 determining the score is available, and (3) the institution has been
22 located in the state and accredited as a degree-granting institution in
23 good standing for ten years or more by a regional accrediting
24 association recognized by the Secretary of the United States
25 Department of Education and maintains such accreditation status. An
26 institution shall submit an application for approval of any new
27 program of higher learning in excess of twelve new programs in any
28 academic year. All institutions that are exempt from program approval
29 by the Office of Higher Education under this subsection shall file with
30 [said] the office not later than July first, and annually thereafter, (A) a
31 list and brief description of any new programs of higher learning
32 introduced by the institution in the preceding academic year and any
33 existing programs of higher learning discontinued by the institution in
34 the preceding academic year, (B) the institution's current program
35 approval process and all actions of the governing board concerning
36 approval of any new programs of higher learning, and (C) the
37 institution's financial responsibility composite score, as determined by
38 the United States Department of Education, for the most recent fiscal
39 year for which the data necessary for determining the score is
40 available.

41 Sec. 2. Subsection (b) of section 10a-34 of the 2018 supplement to the
42 general statutes is repealed and the following is substituted in lieu
43 thereof (*Effective July 1, 2018*):

44 (b) (1) The Office of Higher Education shall [establish] adopt
45 regulations, in accordance with chapter 54, concerning the
46 requirements for licensure and accreditation. [, such] Such regulations
47 [to] shall concern administration, finance, faculty, curricula, library,

48 student admission and graduation, plant and equipment, records,
49 catalogs, program announcements and any other criteria pertinent
50 thereto, as well as the periods for which licensure and accreditation
51 may be granted, and the costs and procedures of evaluations as
52 provided in subsections (c), (d) and (i) of this section.

53 (2) Not later than January 1, 2020, said office shall adopt regulations,
54 in accordance with chapter 54, streamlining the process for approval of
55 new programs of higher learning or program modifications in
56 compliance with any applicable best practice standards. Such
57 regulations shall establish performance-based programmatic standards
58 to be used to qualify independent institutions of higher education, as
59 defined in section 10a-173, for exemption from the requirement that
60 any new programs of higher learning or program modifications
61 proposed by such institutions be approved by the office. The
62 performance-based programmatic standards may include, but need
63 not be limited to, (A) student graduation rates of the institution, (B)
64 student loan default rates of students enrolled at the institution, (C)
65 rates of employment of graduates of the institution, or (D) any other
66 performance-based measures that the office deems necessary.

67 (3) Said office shall establish academic review commissions to hear
68 each appeal of a denial by said office of an application by an institution
69 of higher education for licensure or accreditation of a program of
70 higher learning or institution of higher education. For each individual
71 appeal, the executive director of said office, or the executive director's
72 designee, shall select a commission that is comprised of four higher
73 education representatives and five business and industry
74 representatives chosen from a panel of thirty-five members, who shall
75 be appointed as follows: [(1)] (A) The Governor shall appoint five
76 members; [(2)] (B) the speaker of the House of Representatives shall
77 appoint five members; [(3)] (C) the president pro tempore of the Senate
78 shall appoint five members; [(4)] (D) the majority leader of the House
79 of Representatives shall appoint five members; [(5)] (E) the majority
80 leader of the Senate shall appoint five members; [(6)] (F) the minority
81 leader of the House of Representatives shall appoint five members;

82 and [(7)] (G) the minority leader of the Senate shall appoint five
83 members. The executive director of said office, or the executive
84 director's designee, shall ensure that each commission contains at least
85 one member appointed by each of the appointing authorities. Each
86 appointing authority shall select both higher education representatives
87 and business and industry representatives, but not more than three
88 from either category of representatives.

89 Sec. 3. Subsections (b) and (c) of section 10a-22b of the 2018
90 supplement to the general statutes are repealed and the following is
91 substituted in lieu thereof (*Effective July 1, 2018*):

92 (b) Except for initial authorizations, the executive director [shall]
93 may accept institutional accreditation by an accrediting agency
94 recognized by the United States Department of Education, in
95 satisfaction of the requirements of this section and section 10a-22d,
96 including the evaluation and attendance requirement. [, unless the
97 executive director finds reasonable cause not to rely upon such
98 accreditation.] Except for initial authorizations, the executive director
99 may accept programmatic accreditation in satisfaction of the
100 requirements of this section and section 10a-22d with regard to
101 instruction offered by a hospital pursuant to subsection (h) of this
102 section unless the executive director finds reasonable cause not to rely
103 upon such accreditation.

104 (c) Each person, board, association, partnership, corporation, limited
105 liability company or other entity which seeks to offer occupational
106 instruction shall submit to the executive director, or the executive
107 director's designee, in such manner as the executive director, or the
108 executive director's designee, prescribes, an application for a certificate
109 of authorization which includes, but need not be limited to, (1) the
110 proposed name of the school; (2) ownership and organization of the
111 school including the names and addresses of all principals, officers,
112 members and directors; (3) names and addresses of all stockholders of
113 the school, except for applicants which are listed on a national
114 securities exchange; (4) addresses of any building or premises on

115 which the school will be located; (5) description of the occupational
 116 instruction to be offered; (6) the proposed student enrollment
 117 agreement, which includes for each program of occupational
 118 instruction offered a description, in plain language, of any
 119 requirements for employment in such occupation or barriers to such
 120 employment pursuant to state law or regulations; (7) the proposed
 121 school catalog, which includes for each program of occupational
 122 instruction offered a description of any requirements for employment
 123 in such occupation or barriers to such employment pursuant to state
 124 law or regulations; (8) financial statements detailing the financial
 125 condition of the school pursuant to subsection (d) of this section and
 126 subsection (g) of section 10a-22d prepared by management and
 127 reviewed or audited, or, for a nonaccredited school annually enrolling
 128 fewer than ten students, compiled, by an independent licensed
 129 certified public accountant or independent licensed public accountant;
 130 and (9) an agent for service of process. Each application for initial
 131 authorization shall be accompanied by a nonrefundable application fee
 132 made payable to the private occupational school student protection
 133 account in the amount of two thousand dollars for the private
 134 occupational school and two hundred dollars for each branch of a
 135 private occupational school in this state. Any application for initial
 136 authorization that remains incomplete six months after the date such
 137 application was first submitted to the Office of Higher Education shall
 138 expire and the office shall not approve such expired application for
 139 authorization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	10a-34(l)
Sec. 2	July 1, 2018	10a-34(b)
Sec. 3	July 1, 2018	10a-22b(b) and (c)